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March 2, 2009

PATENT APPLICATION
Attorney's Docket No.: 4086.1000-002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Jessica Teeling, Sigrid Ruuls, Martin Glennie, Jan G. J. van de Winkel, Paul Parren, Jórgen Peterson, Ole Baadsgaard and Haichun Huang		
Application No.:	10/687,799	Group:	1644
Filed:	October 17, 2003	Examiner:	Ronald B. Schwadron
Confirmation No.:	1801		
For:	Human Monoclonal Antibodies Against CD20		

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or is being facsimile transmitted to the United States Patent and Trademark Office on:

March 2, 2009 (Date) Jillian Kane (Signature)

Jillian Kane

Typed or printed name of person signing certificate

REPLY TO THE NOTICE TO COMPLY WITH SEQUENCE LISTING REQUIREMENTS

Mail Stop Sequence
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Reply is being submitted in response to the Notice to Comply with Sequence Requirements mailed from the Patent Office on January 29, 2009. A copy of the Notice to Comply is enclosed.

The Examiner states that: "Regarding sequences 41/53[,] said sequences appear to be depicted in the 3' to 5' direction wherein all sequences are required to be depicted in the 5' and 3' direction (see 37 CFR 1.822(c)(5)). Said sequence should be listed in the 5' to 3' direction and *listed as reverse primers in section <223>*."

The artificial sequences designated for SEQ ID NO:41 and SEQ ID NO:53 are correctly depicted in the 5' to 3' direction in the Sequence Listing that was filed on October 1, 2007.

Further, these sequences that appear in the Specification at page 64 were set forth in the 5' to 3' direction, even though the label for each identifies them as 3' primers. Applicants attach herewith copies of Akiyoshi *et al.*[1] and Ludwig *et al.*,[2] (Exhibits A and B) as evidence to establish that the artificial primer sequences designated for SEQ ID NO:41 and SEQ ID NO:53 are correctly depicted in the 5' to 3' direction. These references contain descriptions for the V_H 3' primer (SEQ ID NO:41) and the V_k 3' primer (SEQ ID NO:53) and similarly name the primers as "AB90" and "AB16," respectively (see the present Specification at page 64). Specifically, at page 4055, bottom of left column, Akiyoshi *et al.* depict AB90 as having the sequence "5'-TGCCAGGGGGAAGACCGATGG-3'" as it was presented in the present Sequence Listing (Akiyoshi *et al.*, at page 4055, left col., final paragraph). Moreover, in Table 7 at page 46, Ludwig *et al.* depict AB16 as a primer having the sequence "CGGGAAGATGAAGACAGATG" in the 5' to 3' direction (see Ludwig *et al.*, Table 7 at page 46). Therefore, the sequences in SEQ ID NO:41 and SEQ ID NO:53 in the Sequence Listing submitted on October 1, 2007 are correctly depicted in the 5' to 3' direction as they appear in the present Specification at page 64.

The artificial primers in SEQ ID NO:41 and SEQ ID NO:53 are anti-sense reverse primers. The Examiner states that field <223> should indicate that the sequence is a "reverse primer". Applicants respectfully disagree. It is not required to specify whether a primer is a forward or reverse primer if section <223> provides a description for the artificial sequence as a "primer" and the primer sequence is presented in the 5'to 3' direction, from left to right, in section <400>. 37 C.F.R. § 1.822 (c)(5) states that: "A nucleotide sequence shall be presented, only by a single strand, in the 5 to 3 direction, from left to right." Therefore, the sequences in SEQ ID NO:41 and SEQ ID NO:53 in the Sequence Listing submitted on October 1, 2007 comply with the requirements set forth in 37 C.F.R. § 1.822 (c)(5).

It is not necessary to submit a substitute Sequence Listing because the Sequence Listing submitted on October 1, 2007 satisfies the requirement with respect to sequences 41 and 53. Reconsideration and withdrawal of the Notice to Comply are respectfully requested.

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[1] Akiyoshi, D. E., Rich, C. M., O'Sullivan-Murphy, S., Richard, L., Dilo, J., Donohue-Rolfe, A., Sheoran, A. S., Chapman-Bonofiglio, S., and Tzipori, S., "Characterization of a Human Monoclonal Antibody against Shiga Toxin 2 Expressed in Chinese Hamster Ovary Cells." *Infection and Immunity* (2005) 73:4054-4061

[2] Ludwig, D. L., Plymate, S. R., Loizos, N., and Huber, J., and Fatatis, A. "Receptor Antagonists for Treatment of Metastatic Bone Cancer" WO 2006/138729 A2

Respectfully submitted,

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Date: March 2, 2009

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,799	10/17/2003	Jessica Teeling	4086.1000-002	1801

21005 7590 01/29/2009
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EXAMINER	
SCHWADRON, RONALD B	

ART UNIT	PAPER NUMBER
1644	

MAIL DATE	DELIVERY MODE
01/29/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

RECEIVED
HAMILTON, BROOK,
SMITH & REYNOLDS, P.C.

FEB 02 2009

ATTORNEY/IFC/IAC AOC
Docketed ✓ Already Docketed
Not Required
Initials 1st RM Initials 2nd

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10687799	10/17/2003	TEELING ET AL.	4086.1000-002

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
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EXAMINER	
Ron Schwadron, Ph.D.	
ART UNIT	**PAPER**
1644	200901

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR 1.821 through 1.825 for the reason(s) set forth below or on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures.

Regarding sequences 41/53 said sequences appear to be depicted in the 3' to 5' direction wherein all sequences are required to be depicted in the 5' to 3' direction (see 37 CFR 1.822 (c) (5)). Said sequences should be listed in the 5' to 3' direction and *listed as reverse primers in section <223>*.

Applicant is given ONE MONTH, or THIRTY DAYS, whichever is longer, from the mailing date of this letter within which to comply with the sequence rules, 37 CFR 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). In no case may an applicant extend the period for reply beyond the SIX MONTH statutory period. Direct the reply to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the reply.

/Ron Schwadron/
Primary Examiner, Art Unit 1644

OIPE IAP13
MAR 09 2009
PATENT & TRADEMARK OFFICE

Notice to Comply	Application No. 10687799	Applicant(s) TEELING ET AL.	
	Examiner Ron Schwadron, Ph.D.	Art Unit 1644	

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).

☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).

☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).

☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."

☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).

☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).

☒ 7. Other:

Applicant Must Provide:

☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".

☒ An initial or substitute paper copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application.**

☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (571) 272-0731 or (571) 272-0951
For CRF Submission Help, call (571) 272-2510
PatentIn Software Program Support
Technical Assistance: 1-866-217-9197 or 703-305-3028 or 571-272-6845
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